

Message Text

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FM AMEMBASSY MEXICO

TO AMCONSUL CIUDAD JUAREZ PRIORITY

AMCONSUL GUADALAJARA PRIORITY

AMCONSUL HERMOSILLO PRIORITY

AMCONSUL MATAMOROS PRIORITY

AMCONSUL MERIDA PRIORITY

AMCONSUL MONTERREY PRIORITY

AMCONSUL NUEVO LAREDO PRIORITY

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E.O. 11652: N/A

TAGS: CASC, MX

SUBJECT: REVIEW OF AMCIT PRISONER RECORDS

REF: 11304 AND 11391

1. AS CONSTITUENT POSTS ARE AWARE, UNDERSECRETARY OF GOVERNACION SERGIO GARCIA RAMIREZ ANNOUNCED TWO LEGAL INITIATIVES AT A PRESS CONFERENCE SEPTEMBER 5, THE FIRST ADDRESSED TO THE PRISONER EXCHANGE PROPOSAL, AND THE SECOND TO ALLOW PRISONERS CONVICTED OF NARCOTICS OFFENSES TO BE ELIGIBLE FOR PAROLE. IN THE AFTERMATH OF THE ABORTED HUNGER STRIKE, CONSULAR OFFICERS AT EMBASSY AND CONSTITUENT POSTS SHOULD NOW MAKE SPECIAL EFFORTS TO MEET WITH ALL PRISONERS TO DISCUSS THE IMPACT OF PAROLE PROPOSAL, TO IDENTIFY THOSE PRISONERS WHO MAY SOON BE ELIGIBLE FOR PAROLE UNDER THE AMENDED REGULATIONS, AND TO ESTIMATE WHAT ASSISTANCE BY CONSULATES AND EMBASSY MAY BE NECESSARY TO ENSURE THAT PRISONERS ARE RELEASED AS SOON AS ELIGIBLE.

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2. BASED ON STATEMENTS MADE BY GARCIA RAMIREZ AND HIS

ASSISTANTS, GOM EXPECTS THE PAROLE PROPOSAL TO PASS THE CONGRESS WITHIN THREE WEEKS TO ONE MONTH, AND TO BECOME EFFECTIVE 30 DAYS LATER, OR EARLY NOVEMBER. THE LEGISLATION WOULD MAKE MOST PRISONERS ELIGIBLE FOR PAROLE AFTER SERVING THREE-FIFTHS OF THEIR TERMS. THE TIME IN PRISON WOULD BE FURTHER REDUCED BY CREDIT RECEIVED FOR COMMISSIONED WORK ON THE RATIO OF ONE DAY REDUCTION FOR EVERY TWO DAYS WORKED. ACCORDING TO GARCIA RAMIREZ, PAROLE FOR FOREIGNERS WILL MEAN RELEASE AND RETURN TO THEIR OWN COUNTRIES, NOT SUPERVISED PAROLE IN MEXICO.

3. GARCIA RAMIREZ HAS ASSURED US THAT GOM WILL MAKE EVERY EFFORT TO REVIEW CASES OF IMPRISONED AMERICANS AND PROCESS THEIR CASES IN TIME FOR THEM TO BE RELEASED AS EARLY AS POSSIBLE. FROM REPORTS RECEIVED FROM PRISONERS IN ORIENTE AND LOS REYES, IT APPEARS THAT SPECIAL TEAMS HAVE BEEN SENT OUT FROM PREVENCIÓN SOCIAL TO COMPILE WORK CREDITS FOR THE PRISONERS AT THOSE TWO INSTITUTIONS. HOWEVER, BASED ON OUR PREVIOUS EXPERIENCE WITH PREVENCIÓN SOCIAL, WE ANTICIPATE MANY SNAGS IN THE PROGRAM, AND BELIEVE THAT SUBSTANTIAL ASSISTANCE MAY BE REQUIRED FROM CONSULATES AND EMBASSY IN GETTING ALL THE RECORDS STRAIGHT.

4. ANOTHER POTENTIAL PROBLEM AREA LIES WITH THOSE PRISONERS WHO ARE NOT YET ELIGIBLE FOR PAROLE. ACCORDING TO GARCIA RAMIREZ, ONLY THOSE PRISONERS WHO HAVE BEEN SENTENCED AND WHO HAVE NO APPEALS PENDING WILL BE ELIGIBLE FOR PAROLE. SOME PRISONERS WHO NOW HAVE APPEALS PENDING MAY WISH TO WITHDRAW THEIR APPEALS IF THEY MIGHT THEREBY BENEFIT FROM THE PAROLE PROVISIONS. PRISONERS WHO HAVE NOT YET BEEN SENTENCED MAY WISH CONSULAR OR EMBASSY ASSISTANCE IN EXPEDITING A COURT DECISION IN THEIR CASE. (SEE CONSULAR CIRCULAR NO.12 DATED JULY 21, 1976) CONSULAR OFFICERS MUST BE ESPECIALLY CAREFUL IN DISCUSSING WITH AMERICAN PRISONERS QUESTIONS RELATED TO THEIR LEGAL DEFENSE. IN NO CASE RPT IN NO CASE, SHOULD A CONSULAR OFFICER SUGGEST THAT A PRISONER WITHDRAW HIS APPEAL. ON THE CONTRARY, THE CONSULAR OFFICER SHOULD UNCLASSIFIED

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EXPLAIN THAT IF HE WITHDRAWS HIS APPEAL, HE WILL LOSE ANY CHANGE OF CLEARING HIS RECORD, OR OF HAVING HIS SENTENCE REDUCED. ANY PRISONER WHO INSISTS THAT HE WANTS TO WITHDRAW HIS APPEAL SHOULD BE URGED TO TALK TO THIS ATTORNEY, AND OFFERED ASSISTANCE IN CONTACTING HIS ATTORNEY OR A PUBLIC DEFENDER.

5. IN ORDER TO IDENTIFY WHICH PRISONERS MAY BE ELIGIBLE FOR EARLY RELEASE AND WHAT ASSISTANCE MAY BE REQUIRED FOR

THEM, EACH POST SHOULD ARRANGE TO VISIT EACH PRISON IN ITS DISTRICT AS SOON AS POSSIBLE, TO OBTAIN THE INFORMATION NEEDED ON INDIVIDUAL CASES AND TO DETERMINE WHETHER THE PRISON ADMINISTRATION APPEARS TO BE ABLE TO PROCESS THE CASES IN A TIMELY MANNER. WE BELIEVE IT IS IMPORTANT FOR CONSULAR OFFICERS TO ATTEMPT TO SEE ALL PRISONERS LIKELY TO BE AFFECTED BY THE PAROLE PROPOSAL, TO UPDATE AND VERIFY THE ESSENTIAL FACTS OF THE CASE (DATE OF ARREST, SENTENCE, STATUS OF COURT CASE, CREDIT CLAIMED FOR WORK, AND ESTIMATED RELEASE DATE) DIRECTLY WITH THE PRISONER. THE FACTS SHOULD THEN BE CHECKED AGAINST PRISON RECORDS, TO IDENTIFY AND ATTEMPT TO RESOLVE ANY DISCREPANCIES.

6. POSTS ARE REQUESTED TO REPORT ASAP BY CABLE TO THE EMBASSY, INFO THE DEPARTMENT, LISTS OF PRISONERS WHO, UNDER THE PROPOSAL, WOULD BE ELIGIBLE FOR RELEASE WITHIN THE NEXT THREE MONTHS. THE EMBASSY WILL THEN CHECK THE STATUS OF EACH CASE WITH PREVENCIÓN SOCIAL AND ATTEMPT TO EXPEDITE THE PAPER WORK REQUIRED. FOR EACH PRISONER IN THIS CATEGORY THE FOLLOWING INFORMATION SHOULD BE SUBMITTED:

- A. COMPLETE NAME OF PRISONER
- B. SENTENCE
- C. NATURE OF CHARGE
- D. LEGAL STATUS OF CASE (I.E. AWAITING SENTENCING SENTENCED, OR APPEALED)
- E. WORK CREDIT (INCLUDING DATES WORKED, AND NATURE OF JOB)
- F. PRISONER'S ESTIMATE OF APPROXIMATE DATE OF RELEASE.
- G. NAME AND LOCATION WHERE PRISONER IS BEING HELD.

7. IN ADDITION TO THE LISTS OF PRIORITY CASES TO BE PURSUED WITH PREVENCIÓN SOCIAL, EACH POST SHOULD REPORT ON ANY GENERAL PROBLEMS, SUCH AS LACK OF STAFF AT PRISONS

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OR LACK OF COOPERATION FROM PRISON DIRECTOR WHICH APPEAR LIKELY TO DELAY THE PROCESSING OF CASES AT ANY PRISONS WITHIN ITS DISTRICT. WE PROPOSE TO DISCUSS BOTH INDIVIDUAL CASES AND GENERAL PROBLEMS WITH GARCIA RAMIREZ AND SOLICIT THE FULL COOPERATION OF HIS OFFICE IN PROCESSING PAROLE CASES IN A TIMELY MANNER. SIMILARLY, ANY POST WHICH ANTICIPATES DIFFICULTY IN HANDLING THE WORKLOAD IMPOSED BY THE PAROLE PROGRAM BECAUSE OF ITS OWN STAFFING LIMITATIONS SHOULD REPORT ASAP ADDITIONAL TEMPORARY STAFFING WHICH MAY BE REQUIRED.

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